

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITIES & MINERALS ENTERPRISE LTD.,#

Plaintiff,

v.

CVG FERROMINERA ORINOCO, C.A.,

Defendant.

16 Civ. 861 (ALC)

**NOTICE OF MOTION TO
LIFT THE STAY AND
TRANSFER FUNDS INTO
ESCROW PURSUANT TO A
JUDGMENT OF A UNITED
STATES DISTRICT COURT**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Bruce G. Paulsen, including all exhibits annexed thereto, the accompanying memorandum of law dated December 21, 2018, and upon all prior pleadings and proceedings herein, plaintiff Commodities & Minerals Enterprise Ltd. ("CME"), by and through its undersigned counsel, shall move this Court, at the United States Courthouse located at 40 Foley Square, Courtroom 1306, New York, New York 10007, before the Honorable Andrew L. Carter, Jr., at such time as counsel may be heard, for an order pursuant to Fed. R. Civ. P. 69 and N.Y. CPLR 5225(b), (i) lifting the stay in this action, and (ii) directing garnishee Bank of America, N.A. to transfer the funds attached in this action at the New York bank account of defendant CVG Ferrominera Orinoco, C.A. ("FMO"), into the escrow account established pursuant to a partial final arbitration award dated January 5, 2017, as confirmed by a judgment of the United States District Court for the Southern

District of Florida dated July 18, 2018, and subsequently registered as a judgment in this District on November 7, 2018, and for such other and further relief as the Court deems just and proper.

New York, NY
December 20, 2018

SEWARD & KISSEL LLP

By: /s Bruce G. Paulsen

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